

**IN THE UNITED STATES DISTRICT FOR EASTERN OF TENNESSEE
AT GREENVILLE**

**JOE PEPPERS and NATASHA PEPPERS,
as surviving natural parents and
next of kin of STEWART PEPPERS,
deceased,**

Plaintiffs,

v.

**No. 2:13-CV-180
JUDGE GREER
MAGISTRATE CORKER
JURY DEMAND**

**WASHINGTON COUNTY, TENNESSEE,
et al,**

Defendants.

AFFIDAVIT OF DR. L.J. DRAGOVIC

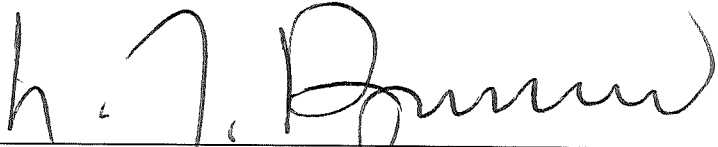
**STATE OF MICHIGAN
COUNTY OF OAKLAND**

I, L.J. DRAGOVIC, M.D. after being duly sworn according to law, make the following affidavit:

1. My name is Dr. L.J. Dragovic, I am over eighteen years of age and I have personal knowledge of the facts contained in this affidavit.
2. I am a Forensic Pathologist and Neuropathologist and I am the Chief Forensic Pathologist/ Chief Medical Examiner for Oakland County, Michigan.
3. I have had an opportunity to review the autopsy report, the autopsy photographs and the autopsy microscopic slides of the decedent, Stewart Peppers.

4. Upon a review of the aforementioned autopsy, I find that the autopsy is performed by Dr. Dawn R. Lajoie of the William L. Jenkins Forensic Center in Johnson City, Tennessee.
5. Dr. Lajoie opines that Stewart Peppers died from a condition called Excited Delirium.
6. Excited Delirium is neither recognized as a diagnostic entity by the American Medical Association, American Psychological Association, and World Health Organization nor is it listed as such in Diagnostic and Statistical Manual of Mental Disorder.
7. Delirium or a state of excitement is a manifestation of a clinically observable deranged behavior and is only a symptom/sign of such derangement. It cannot be a cause of death neither can it be supported by any standardized scientific testing or demonstrable post mortem findings as such.
8. Cause of Death represents demonstrable abnormal anatomic findings in the body and/or on the body, indicative of a pathophysiologic mechanism of death and in this particular case that mechanism is asphyxiation due the restraining the decedent in the restraint chair and use spit hood by the corrections officers involved.
9. These physical circumstances of the applied physical restraint brought about a combination of perilous factors of blocking the openings of the airways and simultaneously applying pressure on the body as a result of passive and active restraint that exceeds the threshold of allowing adequate expansion of the lungs and adequate oxygenation blood to necessary to maintaining vital functions of the human body.
10. The gross and microscopic appearance of the decedent's lungs leave no doubt that asphyxia resulting from the physical force of the restraint combined with the spit hood applied to the face was the one and only causative mechanism of Mr. Pepper's demise.

Further the affiant saith not.

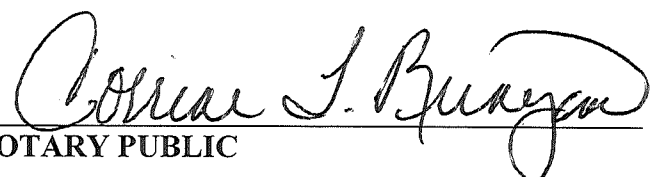


L. J. Dragovic, M.D.
Chief Medical Examiner/Chief Forensic Pathologist
Oakland County, Michigan

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

Personally appeared before me **DR. L. J. DRAGOVIC** with whom I am personally acquainted, and who acknowledged that he executed the within instrument for the purposes therein contained.

Witnessed my hand, at office, this the 3rd day of August, 2015.



NOTARY PUBLIC
My Commission Expires: July 30, 2020